

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

KIMBERLY Y. LAFAVE, et al.

Plaintiffs

v.

**THE COUNTY OF FAIRFAX, VIRGINIA,
and KEVIN DAVIS, in his Official Capacity
as Chief of Police**

Defendants

Case No. 1:23-cv-01605-WBP

DECLARATION OF DALTON BECKER

I, Dalton Becker, provide this declaration in support of Defendants’ Motion for Summary Judgment. I declare and state as follows:

1. I am a Deputy Chief and a sworn police officer of the Fairfax County Police Department (“FCPD”).
2. I am currently the Deputy Chief of FCPD’s Operations Support Bureau.
3. As a Deputy Chief, I oversee approximately 130 FCPD police officers and employees, and I manage three divisions.
4. I hold a bachelor's degree in criminal justice from George Mason University.
5. I have served as a sworn FCPD police officer in various roles for the past 25 years.
6. I am familiar with Section 6-2-1 of the Fairfax County code, Fairfax County’s firearms in county government facilities and other public areas ordinance (the “Ordinance”).
7. Following adoption of the Ordinance, I led the FCPD’s implementation and training regarding the Ordinance.

8. Specifically, on September 25, 2020, I sent an email to all sworn FCPD police officers and non-sworn staff members of FCPD (the “Ordinance Email”).

9. A true copy of the Ordinance Email is attached to this Declaration as Exhibit A.

10. The Ordinance Email advised FCPD officers and staff members of the Ordinance’s adoption and included a link to a video I created to train FCPD sworn police officers and staff members regarding the Ordinance and how police officers should enforce or not enforce the Ordinance.

11. A link to a true copy of the training video follows:

<https://offitkurman.sharefile.com/public/share/web-sc32730b93954405c8b41599b1b049a7c>.

12. Following issuance of the training video and the Ordinance Email, all sworn FCPD police officers, and all officers in training, were required to review the training video and acknowledge their understanding of the training video through the FCPD’s Power DMS system, which is FCPD’s record management system.

13. Subsequently, I reviewed and confirmed with FCPD’s Power DMS manager that all sworn FCPD police officers acknowledged reviewing the training video.

14. Based on the training video, FCPD instructs and trains police officers to respond to Ordinance-related calls and dispatches by first looking for and confirming proper signage and notification of the Ordinance at the site.

15. If a FCPD police officer encounters a person at a Fairfax County permitted event, event that would otherwise require a permit, adjacent area, or park with a firearm, in violation of the Ordinance, and the police officer verifies there is proper signage of the ordinance at the site, the police officer is expected to first seek voluntary compliance with Ordinance and provide education to the person before initiating any citation or arrest.

16. In addition to the training video and the Ordinance Email, on November 30, 2021, the FCPD created and issued a Command Staff Memorandum (CSM) regarding the Ordinance.

17. Lieutenant Daniel Spital emailed the CSM to all FCPD command staff officers on December 10, 2021. I received a copy of Lieutenant Spital's CSM email on December 10, 2021.

18. A true copy of the CSM Email I and FCPD command staff officers received from Lieutenant Spital is attached to this Declaration as Exhibit B.

19. A true copy of the CSM is attached to this Declaration as Exhibit C.

20. After the CSM was issued, I confirmed with FCPD's Power DMS manager that all command staff officers provided education regarding the CSM to FCPD police officers.

21. Pursuant to the CSM, FCPD instructed its command staff to educate all sworn police officers that they are prohibited from enforcing the Ordinance "unless first confirming that signs providing ... notification [of the Ordinance] are properly posted."

22. In addition, the CSM instructed FCPD police officers that "[w]henever possible, officers should attempt to educate suspected violators about the ordinance and seek voluntary compliance prior to placing charges."

23. In all respects, the FCPD's direction and guidance to FCPD police officers regarding enforcement of the Ordinance, as demonstrated through the training video and CSM, has remained in place since issuance of the training video and the CSM.

24. Based on the CSM and FCPD training video, FCPD officers are trained to first verify that an event is subject to the Ordinance (through confirmation of proper Ordinance signage at the event) before initiating any Ordinance education or enforcement.

25. Events that take place within Fairfax County on property that is not controlled or owned by Fairfax County are not subject to the Ordinance. This includes public roadways, which are instead controlled by the Virginia Department of Transportation (“VDOT”).

26. Thus, for example, a 5K race taking place on a public roadway in Fairfax County would need a permit issued by VDOT, not by Fairfax County, and therefore that event would not be subject to the Ordinance.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 26, 2024.

/s/Dalton Becker
DALTON BECKER

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